

REMARKS

Claims 9-16 are currently pending, wherein claim 14 has been amended. Applicants respectfully request favorable reconsideration in view of the remarks presented herein below.

In paragraph 2 of the Office Action ("Action"), the Examiner rejects claim 14 under 35 U.S.C. § 112, second paragraph, as allegedly being indefinite. More specifically, the Examiner asserts that there is insufficient antecedent basis for the phrase "said multidimensional lookup table." Applicants hereby amend claim 14 to depend from claim 10, thereby providing proper antecedent basis to the above phrase. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection of claim 14 under 35 U.S.C. § 112, second paragraph.

In paragraph 5 of the Action, the Examiner rejects claims 9-12 and 14-16 under 35 U.S.C. § 102(e) as allegedly being anticipated by U.S. Patent No. 5,809,213 to Bhattacharjya ("Bhattacharjya"). Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 102, the cited reference must teach each and every claimed element. In the present case, claims 9-12 and 14-16 are not anticipated by Bhattacharjya because Bhattacharjya fails to disclose each and every claimed element as discussed below.

Independent claim 9 defines a color management apparatus for converting supplied image data using a lookup table of color characteristic data into output image data. The color management apparatus includes, *inter alia*, a lookup table composed of

characteristic points which are points indicating the relationship between supplied image data and output image data which are determined to be impossible to be interpolated when a process for converting image data is performed; and image data converting means for converting supplied image data into output image data using said lookup table composed of the characteristic points.

Bhattacharjya discloses a method and apparatus for automatic color correction. According to Bhattacharjya a nonlinear interpolation technique is applied to a relatively small number of measured sample values generated from color image patches to provide a color lookup table having a larger number of calibration values stored therein. The nonlinear interpolation technique produces a number of augmented sample values by interpolating between measured sample points and subsequently resampling the resulting approximation at a resolution greater than that used to generate the measured sample points. See, for example, Fig. 2A and column 10, lines 47-63 of Bhattacharjya.

In rejecting claim 9, the Examiner asserts that the augment sample points of Bhattacharjya are equivalent to the claimed characteristic points. To support this assertion, the Examiner points to Fig. 2A and column 10, lines 40-63 of Bhattacharjya. This assertion is unfounded for the following reason.

Nowhere in Bhattacharjya is there any disclosure that the measured or augment sample points are characteristic points as claimed. To the contrary, Bhattacharjya merely discloses a method of applying a nonlinear interpolation technique to a relatively small number of measured sample values generated from color image patches to

provide a color lookup table having a larger number of calibration values stored therein. There mere fact one or more of the augmented sample points may, *arguendo*, be a characteristic point as claimed is not equivalent to disclosing that the lookup table contains *only* characteristic points. The augmented sample points 74a-74k as illustrated in Fig. 2A clearly include noncharacteristic points. Therefore, a lookup table composed of characteristic points does not necessarily flow from the disclosure of Bhattacharjya. Accordingly, Bhattacharjya does not anticipated independent claim 9.

Claims 10-12 and 14 variously depend from independent claim 9. Therefore, claims 10-12 and 14 are patentable over Bhattacharjya for at least those reasons presented above with respect to claim 9.

Independent claim 15 defines an image converting apparatus. The apparatus includes, *inter alia*, a color management means which uses a lookup table composed to characteristic points which are points indicating the relationship between supplied image data and output image data which are determined to be impossible to be interpolated when said image data converting means performs an image data converting process. In addition, independent claim 16 defines a color correction method that includes, *inter alia*, performing a table development process such that a lookup table composed to characteristic points is developed into a multidimensional lookup table. Accordingly, claims 15 and 16 are patentable over Bhattacharjya because Bhattacharjya fails to disclose a lookup table composed of characteristic points as claimed. (See discussion above with respect to claim 9.) Therefore, Applicants respectfully request

reconsideration and withdrawal of the rejection of claims 9-12 and 14-16 under 35 U.S.C. § 102(e).

In paragraph 13 of the Action, the Examiner rejects claim 13 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Bhattacharjya. Applicants respectfully traverse this rejection.

In order to support a rejection under 35 U.S.C. § 103, the Examiner must establish a *prima facie* case of obviousness. To establish a *prima facie* case of obviousness three criteria must be met. First, there must be some motivation to modify the cited reference. Second, there must be a reasonable expectation of success. Finally, the modification must teach each and every claimed element. In the present case, claim 13 is not rendered unpatentable over Bhattacharjya because the Examiner fails to establish a *prima facie* case obviousness as discussed below.

In rejecting claim 13, the Examiner takes Official Notice that “compressing and restoring a color table is well-known in the art.” Therefore, the Examiner concludes that it would have been obvious to one skilled in the art “to modify Bhattacharjya to compress and restore a color table in order to conserve space in memory.” However, Bhattacharjya fails to disclose a lookup table composed of characteristic points as claimed. Therefore, even if, *arguendo*, one skilled in the art were motivated to modify Bhattacharjya as suggested by the Examiner, the modification would still fail to render claim 13 unpatentable because the modification fails to disclose each and every claimed element. Accordingly, Applicants respectfully request reconsideration and

withdrawal of the rejection of claim 13 under 35 U.S.C. § 103.

The application is in condition for allowance. Notice of same is earnestly solicited. Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Penny Caudle (Reg. No. 46,607) at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Dated: October 18, 2006

Respectfully submitted,

By Penny Caudle Penny Caudle
Michael K. Mutter Reg. No. 46,607
Registration No.: 29,680
BIRCH, STEWART, KOLASCH & BIRCH, LLP
8110 Gatehouse Road
Suite 100 East
P.O. Box 747
Falls Church, Virginia 22040-0747
(703) 205-8000
Attorney for Applicants